

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

THE ROMAN CATHOLIC DIOCESE OF
BROOKLYN, NEW YORK

Plaintiff,

v.

GOVERNOR ANDREW M. CUOMO, in his
official capacity,

Defendant.

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No. 1:20-CV-4844-NGG-CLP

**SECOND SUPPLEMENTAL DECLARATION OF BISHOP RAYMOND F.
CHAPPETTO IN FURTHER SUPPORT OF PLAINTIFF'S APPLICATION FOR A
PRELIMINARY INJUNCTION**

I, Bishop Raymond F. Chappetto, Vicar General for The Roman Catholic Diocese of Brooklyn, New York, hereby declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, as follows:

1. I submit this supplemental declaration in further support of Plaintiff's application for a preliminary injunction. In light of the exchanges I heard during yesterday's hearing, I wanted to clarify how long Sunday Mass typically was in the Diocese's churches even before the pandemic, as well as how much shorter it is today under the safety protocols we've implemented.

2. Even before the pandemic, Catholic Masses were relatively short—about an hour or less in duration—compared to the religious services conducted by some other faith traditions. The Masses over which I personally presided prior to the pandemic were typically 55 minutes in length. And of course, weekday Masses, pre-pandemic, were typically even shorter.

3. Since churches in the Diocese of Brooklyn reopened for Sunday Mass in early July, the average length of Mass has decreased substantially, in part as a result of the COVID-19 protocols promulgated by the Diocese. For instance, we have eliminated the Sign of Peace, no longer offer the Precious Blood (in the form of wine) during Holy Communion, and eliminated the priest's procession into and out of the church—all of which have reduced the duration of the Mass. Some bishops and priests, myself included, have taken additional steps to expedite the celebration, including by shortening our “homilies” (sermons given following the readings from Sacred Scripture).

4. As a result, clergy in the Diocese have reported reductions of 10–20 minutes in the duration of Sunday Masses since our reopening. The Sunday Masses over which I have presided since our reopening have typically been 45 minutes or less in length.

5. We have made these and other changes to ensure the safety of our parishioners, and we have succeeded. I heard the DOH witness say yesterday that time matters. Our changes have further reduced the times of our Masses, which were relatively short to begin with. I heard him say masks and social distancing are the “most important” ways to prevent the spread of COVID-19. We insist upon both in order for parishioners to enter *and* remain in our churches. We offer sanitizer to parishioners, and sanitize the entire space with top-to-bottom cleanings before and after Mass. These and the other measures about which I have testified previously, in writing and at yesterday's hearing, have worked. We have not had any COVID outbreaks in any of our Diocese's churches since reopening for Sunday Mass in early July through early October 2020. Thus, the strict mitigation measures we have implemented have worked to prevent *any* spread of COVID, even if someone exposed to COVID happened to attend a Mass, because there has not been any spread of COVID whatsoever in our churches over the past three months.

Executed on October 16, 2020, in Brooklyn, New York.

+ Raymond F. Chappetto

Most Rev. Raymond F. Chappetto, DD, VG, VE